

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

JAMAR A. SAUNDERS,

Petitioner,

v.

ACTION NO. 2:13-cv-90

HAROLD W. CLARKE, Director,  
Virginia Department of Corrections,

Respondent.

FINAL ORDER

Before the Court is a Petition for a Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 and the Respondent's Motion to Dismiss the Petition. In his Petition, the pro se Petitioner challenges the constitutionality of his 1999 convictions in the Circuit Court for the City of Newport News for first-degree murder, shooting into an occupied dwelling, and use of a firearm in the commission of a felony, which resulted in a thirty-seven year sentence of active incarceration in the Virginia state penitentiary.

The Petition was referred to a United States Magistrate Judge for report and recommendation pursuant to the provisions of 28 U.S.C. §§ 636(b)(1)(B)-(C), and Local Civil Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The Magistrate Judge's Report and Recommendation entered on February 13, 2014 recommends granting

the Respondent's motion to dismiss and dismissal of the Petition with prejudice. The parties were advised of their right to file written objections to the Report and Recommendation. The Court has not received objections from either party, and the time to file such objections has expired.

The Court, having heard no objections, does hereby **ADOPT** and **APPROVE** the findings and recommendations set forth in the Report and Recommendation filed February 13, 2014, ECF No. 15. It is, therefore, **ORDERED** that the Respondent's Motion to Dismiss, ECF No. 9, be **GRANTED**, and that the Petition, ECF No. 1, be **DENIED** and **DISMISSED WITH PREJUDICE**. It is further **ORDERED** that judgment be entered in favor of the Respondent.

The Petitioner may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty (30) days from the date of entry of such judgment.

The Petitioner has failed to demonstrate a substantial showing of the denial of a constitutional right, and therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003).

The Clerk shall mail a copy of this Final Order to the  
Petitioner and to counsel of record for the Respondent.

It is so ORDERED.

/s/ 

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Mark S. Davis  
United States District Judge

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MARK S. DAVIS  
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

Date: March 21, 2014